

**WEDNESDAY, APRIL 28, 1999**  
**TWENTY-THIRD LEGISLATIVE DAY**

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Hood.

Representative Hood led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 275:** Rep(s). Curtiss as first prime sponsor(s).

**House Bill No. 320:** Rep(s). Baird, Todd, Maddox, Goins, Bunch, Newton, Hargett, Kerr, and Black as prime sponsor(s).

**House Bill No. 501:** Rep(s). Sharp and Hagood as prime sponsor(s).

**WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY**

**House Bill No. 645:** Rep(s). Pleasant, Beavers, Black, Dunn, Hargett, Newton, and Hood as prime sponsor(s).

**House Bill No. 675:** Rep(s). Langster, Fitzhugh, White, McCord, Givens, Cole, Davidson, Montgomery, Buttry, Pleasant, Boyer, Whitson, Davis (Cocke), Miller, U. Jones, and J. DeBerry as prime sponsor(s).

**House Bill No. 810:** Rep(s). Eckles, Turner (Hamilton), Stulce, Whitson, Davis (Cocke), and Pleasant as prime sponsor(s).

**House Bill No. 860:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 949:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 1039:** Rep(s). Fowlkes as prime sponsor(s).

**House Bill No. 1042:** Rep(s). Fowlkes as prime sponsor(s).

**House Bill No. 1060:** Rep(s). Brooks as prime sponsor(s).

**House Bill No. 1103:** Rep(s). Todd and Baird as prime sponsor(s).

**House Bill No. 1104:** Rep(s). Sharp and Hagood as prime sponsor(s).

**House Bill No. 1399:** Rep(s). Fraley, White, and Tidwell as prime sponsor(s).

**House Bill No. 1470:** Rep(s). Maddox, Jackson, Sands, White, McCord, and Langster as prime sponsor(s).

**House Bill No. 1552:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 1836:** Rep(s). Jackson as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Pleasant was/were removed as sponsor(s) of **House Bill No. 859**.

**ENROLLED BILLS**

**April 27, 1999**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 442, 666, 698, 1105, 1501, 1871; House Joint Resolution(s) No(s). 21, 59 and 89.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
April 27, 1999**

The Speaker signed the following: House Bill(s) No(s). 442, 666, 698, 1105, 1501, 1871; House Joint Resolution(s) No(s). 21, 59 and 89.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 27, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 21, 59 and 89; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
April 27, 1999**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 21, 59 and 89.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 27, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 90; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED  
April 27, 1999**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 90.

**MESSAGE FROM THE SENATE  
April 28, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 216; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 216** -- Memorials, Recognition - Collinwood High School, 50th anniversary. by \*Wilder.

MESSAGE FROM THE SENATE

April 28, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 310, 509, 510, 531, 616, 658, 708, 746, 789, 791, 978, 1592 and 1915; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 310** -- Health - Enacts "Clinical Perfusionist Licensure Act." Amends TCA Title 63, by \*Ford J, \*Crutchfield, \*Fowler. (HB592 by \*Armstrong, \*Eckles, \*Pruitt, \*Jones U (Shelby), \*DeBerry L, \*Turner (Hamilton), \*Whitson, \*DeBerry J, \*Cole (Carter), \*Brown, \*Odum, \*Turner (Shelby))

**\*Senate Bill No. 509** -- Highways, Roads and Bridges - Changes name of "Local Interstate Connecting Route Act" to "Local Interstate and Limited Access Highway Connector Act"; makes conforming changes to expand scope of act to include limited access highways. Amends TCA Title 54, Chapter 5, Part 5. by \*Graves. (HB504 by \*Black)

**\*Senate Bill No. 510** -- Paternity - Creates right of putative father to file petition under present legitimation statute, notwithstanding dismissal of petition under prior legitimation statute when dismissal was based on mother's marriage to another man at time of conception or on petitioner's lack of standing; doctrines of res judicata and collateral estoppel do not bar new action. Amends TCA Title 36, Chapter 2, Part 3. by \*Graves. (HB505 by \*Black)

**\*Senate Bill No. 531** -- Workers' Compensation - Requires department of labor to provide information to employers related to utilization review system required under TCA 50-6-124. Amends TCA Title 50, Chapter 6. by \*Crutchfield. (HB751 by \*Buck)

**\*Senate Bill No. 616** -- Workers' Compensation - Authorizes workers' compensation specialist to order retroactive payment of benefits. Amends TCA Title 50, Chapter 6. by \*Haynes. (HB753 by \*Buck)

**Senate Bill No. 658** -- Fences and Enclosures - Adds additional types of fencing to inventory of sufficient fences; deletes provisions requiring enclosure of cotton gins, saltpeter and saltworks; deletes provisions relative to grazing and ranging of livestock Amends TCA Title 44, Chapter 8. by \*Cooper, \*Williams. (\*HB470 by \*Givens, \*Walker (Rhea))

**Senate Bill No. 708** -- Workers' Compensation - Increases from \$4,500 to \$9,000 amount of burial expenses paid for deceased employee who died from injury or occupational disease. Amends TCA Section 50-6-204. by \*Herron, \*Dixon, \*Williams, \*Crowe. (\*HB301 by \*Maddox, \*Bowers)

**Senate Bill No. 746** -- Taxes, Hotel Motel - Increases hotel/motel tax in metropolitan area by 1 percent, revenue to be expended for tourist promotion; tax repealed on June 30, 2000. Amends TCA Section 7-4-110 and Section 7-4-102. by \*Henry, \*Harper. (\*HB629 by \*Arriola, \*Briley, \*Pruitt)

**\*Senate Bill No. 789** -- Managed Care Organizations - Revises certain provisions under independent review process of HMOs. Amends TCA Title 56, Chapter 32. by \*McNally, \*Miller J. (HB703 by \*Jones, S., \*McMillan, \*Caldwell)



**WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY**

**\*Senate Bill No. 791** -- Tort Liability - Enacts "Good Samaritan Protection Act." Amends TCA Title 29, Chapter 34, Part 2. by \*Cohen, \*Person, \*Carter, \*McNally, \*Miller J, \*Williams, \*Crowe. (HB1254 by \*Newton, \*Briley, \*Sands)

**Senate Bill No. 978** -- Drugs - Adds Stadol to list of schedule IV drugs. Amends TCA Title 39, Chapter 17, Part 4. by \*McNally, \*Blackburn, \*Person. (\*HB879 by \*Sargent)

**\*Senate Bill No. 1592** -- Sentencing - Requires board of probation and parole to conduct presentence physical and mental examinations of indigent persons found guilty of crime. Amends TCA Section 40-35-205. by \*Crowe, \*Atchley. (HB1108 by \*Newton, \*Boyer, \*Cooper B)

**Senate Bill No. 1915** -- Taxes, Personal Property - Creates tax waivers regarding personal and real property if certain findings made by tax collecting officer or court. Amends TCA Title 67, Chapter 5. by \*Rochelle, \*Davis L. (\*HB1497 by \*Scroggs)

**RESOLUTIONS REFERRED**  
**April 28, 1999**

The following resolution(s) was/were referred to the following Committee(s):

**\*House Joint Resolution No. 200** -- General Assembly, Confirmation of Appointment - Dr. June Scobee, Tennessee Higher Education Commission. by \*McAfee.

House Education Committee

**\*House Joint Resolution No. 201** -- General Assembly, Confirmation of Appointment - George McGrath, Tennessee forestry commission. by \*Windle, \*McDaniel.

House Agriculture Committee

**\*House Joint Resolution No. 202** -- General Assembly, Confirmation of Appointment - Faye Barna, Tennessee forestry commission. by \*Winningham, \*McDaniel.

House Agriculture Committee

**\*House Joint Resolution No. 203** -- General Assembly, Confirmation of Appointment - Roosevelt Allen, Tennessee forestry commission. by \*Boyer, \*McDaniel.

House Agriculture Committee

**\*House Joint Resolution No. 204** -- General Assembly, Confirmation of Appointment - Fielding Rolston, State Board of Education. by \*Westmoreland.

House Education Committee

**\*House Joint Resolution No. 205** -- Highway Signs - "Marie Hart Head Highway," State Highway 400, Carter County. by \*Cole (Carter).

House Transportation Committee

**DELAYED BILLS REFERRED**

**April 28, 1999**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1967, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 1967** -- Transportation, Dept. of - Establishes Mississippi Parkway Commission of Tennessee. Amends TCA Section 4-29-222 and Title 11. by \*Fitzhugh.

**PERSONAL ORDERS**

**RESOLUTION WITHDRAWN**

Rep. Godsey moved that House Joint Resolution No. 171 be removed from the Consent Calendar and withdrawn from the House, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 191** -- General Assembly, Confirmation of Appointment - Mr. Joe L. Williams, State Wildlife Resources Commission. by \*Windle, \*McDaniel.

House Conservation and Environment Committee

**\*House Joint Resolution No. 192** -- General Assembly, Confirmation of Appointment - Michael McCroskey, Tennessee Registry of Election Finance. by \*Montgomery, \*McDaniel.

House State and Local Government Committee

**\*House Joint Resolution No. 193** -- General Assembly, Confirmation of Appointment - Dale R. Kelley, Tennessee Higher Education Commission. by \*Maddox, \*McDaniel.

House Education Committee

**\*House Joint Resolution No. 197** -- Highway Signs - "George Washington Carver High School, Home of the 1998-99 TSSAA Boys' Basketball Class AA State Championship Team," I-55, Shelby County. by \*Cooper B, \*Miller L, \*Jones U (Shelby), \*DeBerry J, \*Brooks, \*Towns, \*Bowers, \*Turner (Shelby), \*DeBerry L.

House Transportation Committee

**\*House Joint Resolution No. 198** -- General Assembly, Studies - Creates special joint committee to study issues relative to forfeiture proceedings for blighted, vacant tracts of real property. by \*West.

House State and Local Government Committee

**WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY**

**\*House Joint Resolution No. 199** -- General Assembly, Confirmation of Appointment - George A. Akans, Jr., Tennessee wildlife resources commission. by \*Boyer, \*McDaniel.

House Conservation and Environment Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 29, 1999:

**House Resolution No. 41** -- Memorials, Personal Achievement - Jessica Pierce, 1999 Girl Scout Gold Award recipient. by \*Todd.

**House Resolution No. 42** -- Memorials, Recognition - Andreas Becker, Exchange Student, Germany. by \*Fraleay.

**House Resolution No. 43** -- Memorials, Retirement - Gwen Adkins. by \*Boyer.

**House Resolution No. 44** -- Memorials, Personal Achievement - Adam Eldridge, Eagle Scout. by \*Black.

**House Joint Resolution No. 206** -- Memorials, Recognition - Dr. Leslie A. Berstrom. by \*Bone.

**House Joint Resolution No. 207** -- Memorials, Personal Occasion - Mr. and Mrs. Benjamin S. Adams, 40th Wedding Anniversary. by \*Caldwell.

**House Joint Resolution No. 208** -- Memorials, Sports - Kaia Jergenson, Gallatin High School basketball player. by \*Black.

**House Joint Resolution No. 209** -- Memorials, Recognition - Mansfield Douglas III. by \*Pruitt, \*Briley, \*Robinson, \*Langster, \*West, \*Arriola, \*Harwell, \*Odom, \*Jones, S..

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**Senate Joint Resolution No. 21** -- Naming and Designating - "Tennessee Treasures Too," by Artist in Residence Michael Sloan, Official Painting of Tennessee. by \*Haynes, \*Henry.

House State and Local Government Committee

**\*Senate Joint Resolution No. 62** -- General Assembly, Directed Studies - Directs department of general services to study purchasing policies and procedures utilized by state government and compare such policies with those used by private sector to realize similar cost savings. by \*Springer, \*Kurita, \*Burks.

House State and Local Government Committee

**\*Senate Joint Resolution No. 114** -- Highway Signs - "Nicholas P. Earnest Memorial Bridge," S.R. 351 spanning Nolachucky River in Greene County. by \*Haun, \*Williams.

House Transportation Committee

**REPORT OF DELAYED BILLS COMMITTEE**  
**April 28, 1999**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1924, 1925, 1926, 1927, 1936, 1938, 1945, 1961, 1965, and 1967.

Jimmy Naifeh, Speaker  
Jere Hargrove  
Steve McDaniel

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 1924** -- Highway Signs - "Patrick H. McCutchen Memorial Bridge," spanning U.S. 79 on new segment of S.R. 374, Montgomery County. by \*Head, \*McMillan, \*Naifeh, \*Patton.

**\*House Bill No. 1925** -- Appropriations - Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1999. by \*McDaniel, \*Kisber.

**\*House Bill No. 1926** -- Bond Issues - Authorizes \$137,726,000 bond issue to fund state projects. by \*McDaniel, \*Kisber.

**House Bill No. 1927** -- Appropriations - Specifies that index of appropriations from state tax revenues for 1999-2000 fiscal year may exceed index of estimated growth in state's economy by \$189 million or 2.13 percent. - Amends TCA Title 9, Chapter 6, Part 2. by \*McDaniel, \*Kisber.

**House Bill No. 1936** -- Ethics - Adds health screenings and amenities to authorized gifts which may be provided to candidates for public office or officials in the legislative and executive branch at conferences sponsored by associations of elected government officials, staff, or both, or umbrella organizations; no longer limited to state paying membership dues to such conference. - Amends TCA Section 3-6-114. by \*Boyer, \*McDaniel.

**\*House Bill No. 1938** -- Administrative Procedure - Extends certain agency rules scheduled to expire pursuant to the UAPA. by \*Kernell.

**\*House Bill No. 1945** -- Juvenile Offenders - Expands circumstances under which juvenile may be detained in secure facility to include any felony or violation of probation or aftercare, along with other required factors. - Amends TCA Section 37-1-114. by \*Briley, \*Jones, S.,

## **WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY**

**\*House Bill No. 1961** -- Alcoholic Beverages - Authorizes Cortner Mills and Our House restaurants in Bedford County to sell wine. - Amends TCA Title 57, Chapter 4. by \*Phillips.

**House Bill No. 1964** -- Obion County - Subject to local approval, transfers duties of juvenile court clerk to circuit court clerk. - Amends Chapter 326 of the Private Acts of 1982. by \*Pinion.

**\*House Bill No. 1965** -- Taxes - Applies franchise and excise taxes to limited liability companies, partnerships and proprietorships and removes exemptions from sales taxes; enacts "Excise Tax Law of 1999." - Amends TCA Title 45; Title 48; Title 56 and Title 67. by \*Stulce, \*Winningham.

**\*House Bill No. 1967** -- Transportation, Dept. of - Establishes Mississippi Parkway Commission of Tennessee. - Amends TCA Section 4-29-222 and Title 11. by \*Fitzhugh.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 77** -- Taxes, Income - Exempts certain trusts and trustees from Hall income tax. Amends TCA Section 67-2-104. by \*Rochelle. (HB194 by \*Kisber)

**\*Senate Bill No. 163** -- County Boundaries - Requires each application for changing county line to be accompanied by resolution authorizing change approved by 2/3 vote of county commissioners of all counties affected by change, in addition to accurate survey and plat showing proposed changes. Amends TCA Section 5-2-104. by \*Williams, \*Herron. (HB272 by \*Givens, \*Pinion)

**Senate Bill No. 427** -- Workers' Compensation - Authorizes injured employee to file workers' compensation claim in employee's county of residence or county in which accident occurred. Amends TCA Section 50-6-225. by \*Haynes. (\*HB325 by \*Buck)

**\*Senate Bill No. 432** -- Public Funds and Financing - Prohibits use of public funds for public relations services by entity in the legislative, judicial or executive branch of government; excludes funds appropriated to keep or increase employment by promoting trade, industry, commerce, tourism or recreation and conferences, training or similar meetings; requires cancellation of current contracts for such services. Amends TCA Title 4, Chapter 1. by \*Haynes, \*Herron. (HB452 by \*McDonald, \*Bone, \*Fowlkes, \*Williams (Williamson), \*Arriola)

**\*Senate Bill No. 572** -- Civil Procedure - Excludes damages from list of costs that court may assess against attorney of record relative to surety statute. Amends TCA Title 20, Chapter 12, Part 1. by \*Person. (HB1181 by \*Buck)

**Senate Bill No. 895** -- Criminal Offenses - Creates Class A misdemeanor offense of pointing laser pointer device at law enforcement officer with intent to frighten officer or interfere with performance of officer's official duties. Amends TCA Title 39, Chapter 16, Part 5. by \*Rochelle, \*Kurita, \*Williams. (\*HB857 by \*McDonald, \*Bone, \*West, \*Davidson, \*Hood, \*Rhinehart)

## **WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY**

**\*Senate Bill No. 1026** -- Business and Commerce - Prohibits suppliers of farm machinery, construction, utility, industrial and other heavy equipment from terminating retail agreements with retailers without good cause; requires suppliers to repurchase franchise inventory when franchise terminated. Amends TCA Title 47, Chapter 25, Part 13. by \*Burks. (HB1423 by \*Phelan)

**\*Senate Bill No. 1095** -- Firearms and Ammunition - Requires department of safety to annually conduct name check on all permit holders through TBI's instacheck system. Amends TCA Title 39, Chapter 17, Part 13. by \*Cooper. (HB1307 by \*Newton)

**Senate Bill No. 1375** -- Judges and Chancellors - Provides that membership of court of the judiciary always include at least one appointee currently and regularly exercising juvenile court jurisdiction. Amends TCA Section 17-5-201. by \*Person. (\*HB941 by \*Scroggs)

**\*Senate Bill No. 1550** -- Aircraft and Airports - Expands board of Chattanooga Metropolitan Airport Authority from 7 to 11 members, who shall have no financial interest in airport or its concessions; six must be residents of city; board comprised of persons of good standing in fields of engineering, law, industry, commerce and finance. Amends TCA Section 42-4-105. by \*Crutchfield. (HB1090 by \*Sharp)

**Senate Bill No. 1752** -- Public Health and Health Care - Revises Memphis Plan Act to raise the limit on the number of eligible employees from 50 to 200; raises income limit from 150 to 200 percent of poverty. Amends TCA Title 56, Chapter 7, Part 20. by \*Kyle, \*Dixon. (\*HB1686 by \*Chumney)

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1957** -- Cowan -- Local Bill Held on House Desk

**House Bill No. 1958** -- Meigs County -- Local Bill Held on House Desk

**House Bill No. 1959** -- Richard City -- Local Bill Held on House Desk

**House Bill No. 1960** -- Pickett County -- Local Bill Held on House Desk

**House Bill No. 1962** -- Hardin County -- Local Bill Held on House Desk

**House Bill No. 1963** -- White County -- Local Bill Held on House Desk

**BILLS REFERRED**

**April 28, 1999**

The following Bill(s), House Bill(s) No(s). 1924, 1925, 1926, 1927, 1936, 1938, 1945, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1965, and 1967 was/were referred to the following Committee(s) or held on the clerk's desk as noted:

**\*House Bill No. 1924** -- Highway Signs -- House Transportation Committee

**\*House Bill No. 1925** -- Appropriations -- House Finance, Ways and Means Committee

**\*House Bill No. 1926** -- Bond Issues -- House Finance, Ways and Means Committee

**House Bill No. 1927** -- Appropriations -- House Finance, Ways and Means Committee

**House Bill No. 1936** -- Ethics -- House State and Local Government Committee

**\*House Bill No. 1938** -- Administrative Procedure -- House Government Operations Committee

**\*House Bill No. 1945** -- Juvenile Offenders -- House Children and Family Affairs Committee

**House Bill No. 1961** -- Alcoholic Beverages -- House State and Local Government Committee

**\*House Bill No. 1965** -- Taxes -- House Finance, Ways and Means Committee

**\*House Bill No. 1967** -- Transportation, Dept. of -- House State and Local Government Committee

**CAPTION BILLS REFERRED**

**April 28, 1999**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 136, 1170, 1171, and 1670 held on the Clerk's desk were referred to the following Committee(s):

**\*House Bill No. 136** -- Corporations, For Profit -- House Commerce Committee

**\*House Bill No. 1164** -- Motor Vehicles -- House Commerce Committee

**House Bill No. 1170** -- Judicial Officers -- House Judiciary Committee

**House Bill No. 1171** -- State Employees -- House Judiciary Committee

**House Bill No. 1670** -- Utilities, Utility Districts -- House Commerce Committee

## REPORTS FROM STANDING COMMITTEES

The committees that met on **April 27, 1999**, reported the following:

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 28, 1999**: House Bill(s) No(s). 675, 1836, 1446, 1381, House Bill(s) No(s). 860, 947, 949, 557, 1552, 297, 321, 883, 645, 320, 142, 226, 565, 1882 1470 and House Joint Resolution(s) No(s). 69.

The Committee also set the following bill(s) on the **Regular Calendar** for **April 29, 1999**: House Bill(s) No(s). 857, 935, 262, 585, 1354, 1771 and 1090.

The Committee further reports it set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 3, 1999**: House Bill(s) No(s). 1669, 1405, 1478, 1320, 422, 552, 941, 1496, 1497, 1113, 1912, 1664, 1817, 1650, 1050, 811, 1686, 1842, 1358 1429, 1872, 1891, House Joint Resolution(s) No(s). 148, 175, 85, 166, and Senate Joint Resolution(s) No(s). 53.

The Committee further reports that House Bill(s) No(s). 1402, 931, 1752, 1868, 644, 1657, 1879 and 769 were referred to the Budget Subcommittee and House Bill No. 450 was referred to the Finance, Ways and Means Committee.

### COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 336 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1535, 529, 1733, 1734, 1269, and 1869 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 1370, also House Bill(s) No(s). 1738 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1369; also House Bill(s) No(s). 819 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Joint Resolution(s) No(s). 187 and Senate Joint Resolution(s) No(s). 110, also House Bill(s) No(s). 688 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.



## EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 1747, 1243, 1242, House Joint Resolution(s) No(s). 53 and 54, also House Bill(s) No(s). 1111, 1264, 1375 and 1751 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1165, 1244, House Joint Resolution(s) No(s). 86; also House Bill(s) No(s). 1321, 1060, 493, 1250 and 1480 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## GOVERNMENT OPERATIONS

The Government Operations Committee recommended that: House Bill(s) No(s). 692 be transmitted to the Health and Human Resources Committee and House Bill(s) No(s). 725 be transmitted to the Judiciary Committee, also House Bill(s) No(s). 382, 361, 389, 400, 339, 340, 345, 355, 356, 358, 365 and 375 with amendments were transmitted to the Calendar and Rules Committee.

It further recommended that House Bill(s) No(s). 275 be transmitted to the Commerce Committee with amendments and House Bill(s) No(s). 1679 be transmitted to the Health and Human Resources Committee with amendments.

## HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1124, House Joint Resolution(s) No(s). 184 and 186, also House Bill(s) No(s). 1513, 1564, 866 and 1637 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1088 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1194, 1195, 1299, 1856, House Joint Resolution(s) No(s). 55, 121, 101, Senate Joint Resolution(s) No(s). 211, 61, 72, 78 and 106, also House Bill(s) No(s). 1804, 1863, 965, 1835, 951, 1814 and 1782 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1847, 1479, 1606, 1732, 1278, 1283, 1285, 1286, 1287, 821 and House Joint Resolution(s) No(s). 181 ; also House Bill(s) No(s). 1857, 1115, 979, 1107, 1317, 948, 956, 1459, 1132, 1318, 1319, 1776, 1039, 1042 and 1450 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY

The Committee further reports that House Bill No. 1338 was considered, but failed to pass.

### TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 192 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### REPORTS FROM STANDING COMMITTEES

The committees that met on **April 28, 1999**, reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 3, 1999**: House Bill(s). No(s). 1332, 1588, 993, 1036, 987, 1839, 1400, 1056, 978, 1006, 1218, 1219, 783, 1542, 575, 1490 and House Joint Resolution(s) No(s). 116.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for May 3, 1999**: House Bill(s) No(s). 986, 1258, 1537, 1828, 1616, 1096, 1483, 916, 1294, 1183 and House Joint Resolution(s) No(s). 180.

The Committee further reports that House Bill No. 1543 was referred to the Budget Subcommittee.

### JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 521, 975, 1464, 992, 1531 and House Joint Resolution(s) No(s). 84, also House Bill(s) No(s). 1442, 1438, 911, 1167, 1145, 1328, 1444 and 1445 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1546, 1551, 1545 and 1557; also House Bill(s) No(s). 1335, 940, 1494 and 1830 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### CONSENT CALENDAR

**House Resolution No. 39** -- Memorials, Public Service - Manassas High School, 100th anniversary. by \*Cooper B, \*Brooks, \*Jones U (Shelby), \*Kernell, \*DeBerry L, \*Miller L, \*Bowers, \*Chumney, \*DeBerry J, \*Townes, \*Turner (Shelby), \*Pleasant, \*Hassell, \*Hargett, \*Scroggs.

**House Resolution No. 40** -- Memorials, Recognition - Unicoi County Air Force Junior ROTC. by \*Davis (Washington), \*Whitson.

**WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY**

**House Joint Resolution No. 172** -- Memorials, Death - James "Jimmy" Edward Hawkins. by \*Langster, \*Garrett, \*West, \*Jones, S., \*Briley, \*Arriola, \*Hargrove, \*DeBerry L, \*Naifeh, \*Robinson, \*Pruitt, \*Odom.

**House Joint Resolution No. 173** -- Memorials, Professional Achievement - Almore Alphonse Thompson, 1998-1999 Tennessee State University College of Education Teacher of Year. by \*Armstrong, \*Pruitt, \*Brown, \*DeBerry L, \*Turner (Shelby), \*Jones U (Shelby), \*Langster, \*Bowers, \*DeBerry J, \*Miller L, \*Brooks, \*Cooper B, \*Towns.

**House Joint Resolution No. 188** -- Memorials, Recognition - Earth Day 1999. by \*Bowers.

**House Joint Resolution No. 189** -- Memorials, Public Service - Lauderdale County Cancer Society "Relay for Life.". by \*Fitzhugh.

**House Joint Resolution No. 190** -- Memorials, Personal Achievement - Amanda Miller, 1999 Girl Scout Gold Award recipient. by \*Pleasant, \*Hargett.

**House Joint Resolution No. 194** -- Memorials, Personal Occasion - Erica Elizabeth Wagner, birth. by \*Mumpower, \*Godsey, \*Westmoreland.

**House Joint Resolution No. 195** -- Memorials, Professional Achievement - J. Richard Carroll, 1999 Southern Region Athletic Director of the Year. by \*Westmoreland, \*Mumpower, \*Godsey.

**House Joint Resolution No. 196** -- Memorials, Professional Achievement - Raymond William Purdey, Clerk, Australian Legislative Assembly. by \*Hargrove.

On previous motion, House Joint Resolution No. 171 was removed from the Consent Calendar and withdrawn from the House.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

#### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

#### REGULAR CALENDAR

**\*House Bill No. 810** -- Managed Care Organizations - Requires certain disclosures of directors and others involved with MCOs in TennCare program. Amends TCA Title 56 and Title 71. by \*Kisber. (SB1107 by \*Cooper)

Further consideration of House Bill No. 810 previously considered on April 26, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. Kisber moved that House Bill No. 810 be passed on third and final consideration.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Kisber moved that **House Bill No. 810** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 268** -- Public Records - Clarifies appropriate fee calculations for registrars relative to recording assignment and release of mortgage, deed of trust or other lien Amends TCA Section 8-21-1001. by \*Sharp. (\*SB174 by \*Fowler)

Further consideration of House Bill No. 268 previously considered on April 26, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. Sharp moved that House Bill No. 268 be reset for the Regular Calendar on May 5, 1999, which motion prevailed.

**House Bill No. 1103** -- Aged Persons - Imposes civil penalty of up to \$10,000 per violation on persons who use practices in violation of Tennessee Consumer Protection Act which victimize persons who are at least 60 years of age. Amends TCA Title 47, Chapter 18, Part 1. by \*Godsey, \*McDaniel, \*Cole (Carter), \*Mumpower, \*Wood, \*Scroggs, \*Walker (Rhea), \*Rinks, \*McKee, \*Ford S, \*Roach, \*Bittle, \*Montgomery, \*Boyer, \*Walley, \*Harwell, \*Hagood, \*Armstrong, \*McCord, \*Pleasant, \*Sharp, \*Sargent, \*Todd, \*Black, \*Hassell, \*Beavers, \*Davis (Washington), \*Whitson, \*Hargett. (\*SB1587 by \*Blackburn)

Further consideration of House Bill No. 1103 previously considered on April 26, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. Godsey moved that House Bill No. 1103 be reset for the Regular Calendar on May 5, 1999, which motion prevailed.

**House Bill No. 1119** -- Banks and Financial Institutions - Rewrites laws regulating banks and financial institutions; adds regulations for private trust companies. Amends TCA Title 45, Chapters 1 and 2 and Section 45-11-105(c). by \*Wood, \*McDaniel, \*Walker (Rhea). (\*SB1603 by \*Elsea, \*McNally, \*Dixon)

Further consideration of House Bill No. 1119 previously considered on April 26, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

On motion, House Bill No. 1119 was made to conform with **Senate Bill No. 1603**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that **Senate Bill No. 1603** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 260** -- Search & Seizure - Adds popularly elected city judges to judges who may issue forfeiture warrants; permits judges to request tape recorder for forfeiture warrant hearings; removes provision defining when seizing officer "acts in bad faith." Amends TCA Title 40, Chapter 33, by \*Buck. (SB876 by \*Burks)

Rep. Buck moved that House Bill No. 260 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 260 by deleting Section 3 of the printed bill and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 40-33-215, is amended by deleting subsection (e) in its entirety.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 260 by designating the language of Section 1 of the printed bill as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b) Tennessee Code Annotated, Section 40-33-204, is further amended by adding the following sentence to the end of subsection (a):

As used in this subsection, "popularly elected city judge" shall mean a licensed attorney who is elected to the office of city judge pursuant to Title 16, Chapter 18, Part 2.

AND FURTHER AMEND by adding the following sentence to the end of the amendatory language of Section 2 of the printed bill:

As used in this subsection, "popularly elected city judge" shall mean a licensed attorney who is elected to the office of city judge pursuant to Title 16, Chapter 18, Part 2.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **House Bill No. 260**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....96  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 675** -- Law Enforcement - Provides that school resource officers may be employed with funds generated under the Safe Neighborhoods or federal universal hiring programs. Amends TCA Section 38-8-115 and Section 49-6-4302. by \*Hargrove, \*Naifeh, \*DeBerry L., \*Rinks, \*Williams (Williamson), \*Arriola, \*McDonald, \*Kisber, \*Armstrong, \*Turner (Shelby), \*Stulce, \*Sands, \*Davidson, \*Pinion, \*Jones, S., \*Lewis, \*Ridgeway, \*Bone, \*Robinson, \*Ferguson, \*Tindell, \*Eckles, \*West, \*Hood, \*Caldwell, \*Fraley, \*Turner (Hamilton), \*Maddox, \*Odom, \*Pruitt, \*Winningham, \*McMillan. (SB892 by \*Rochelle, \*Cooper)

Rep. Hargrove moved that **House Bill No. 675** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1836** -- Public Records - Provides that copies of house and senate journals may be distributed to depository libraries in electronic format. Amends TCA Title 12, Chapter 6. by \*Hargrove. (\*SB1091 by \*Cooper, \*Dixon)

On motion, House Bill No. 1836 was made to conform with **Senate Bill No. 1091**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 1091 be passed on third and final consideration.

Rep. Hargrove moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1091 by adding the following section to the bill as Section 2 and renumbering the remaining section.

Section 2. Tennessee Code Annotated, Section 12-6-116(a) is amended by adding the following language at the end of the section:

Notwithstanding any other provision of law, the Secretary of State is authorized to fulfill the provisions of this part by publishing the text of the public acts in electronic form by use of the internet.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **Senate Bill No. 1091**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.



**House Bill No. 1446** -- General Assembly - Creates office of legislative budget analysis Amends TCA Section 3-10-105; Section 3-10-107; Section 3-7-110 and Title 3, Chapter 14. by \*Naifeh, \*Hargrove. (\*SB1513 by \*Wilder)

Rep. Hargrove moved that House Bill No. 1446 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1446 By deleting the original Section 3 (c) in its entirety and by substituting instead the following:

(c) The commissioner of revenue shall provide the director with the monthly revenue collections report published by the department of revenue. The commissioner of finance and administration shall provide the office of legislative budget analysis with access to the state accounting system for the purpose of monitoring allotments, expenditures, and revenue collections of state agencies.

AND FURTHER AMEND By deleting the original Section 3 (d) in its entirety and by substituting instead the following:

(d) The commissioner of personnel shall provide the office of legislative budget analysis a monthly listing of personnel positions that have been overlapped for ninety (90) days or more. The commissioner of finance and administration shall provide to the office of legislative budget analysis summaries which revise the funding recommendations and personnel summaries contained in the budget document to conform with the general appropriations act, other general acts of the general assembly, and any other actions which affect the level of departmental or other such revenue.

AND FURTHER AMEND By deleting the word "December" in the original Section 3 (f) and by substituting instead the word "March".

AND FURTHER AMEND By deleting the original Section 3 (h) in its entirety and by substituting instead the following:

(h)(1) The commissioner of finance and administration shall give the office of budget analysis as much advance notice as possible of any meeting, hearing or conference to inform staff of the general assembly of the substance of the executive budget prior to submission of such budget to the general assembly, and shall give the office an opportunity to be represented at such meeting, hearing or conference.

(2) The commissioner of finance and administration shall furnish to the office of legislative budget analysis contemporaneous copies of all information provided to the fiscal review committee in accordance with the provisions of Tennessee Code Annotated, Section 3-7-104. In addition, the commissioner of finance and administration shall furnish to the office of legislative budget analysis changes to the work program including, but not limited to, expansions and revisions. Such revisions and expansions may be provided in written or electronic format.

AND FURTHER AMEND By deleting Section 4 in its entirety and by substituting instead the following:

SECTION 4. The joint legislative services committee shall appoint, subject to the approval of the speaker of the senate and the speaker of the house of representatives, a director of the office of legislative budget analysis who shall be a graduate of an accredited college or university, shall have five (5) or more years of experience in the field of state budget analysis and review, and shall have such training or practical experience in government as may be deemed necessary to perform the duties of the office. The director of the office of legislative budget analysis and other personnel shall be chosen without reference to party affiliation but solely on the basis of fitness to perform the duties of the office. The director shall serve at the pleasure of the committee. The committee shall determine the compensation of the director, while the compensation of other personnel shall be determined by the committee upon recommendation of the director. Personnel shall be employed on recommendation of the director with the approval of the speakers. The office of legislative budget analysis shall be the successor office to the existing office of legislative budget analysis and the director, all personnel, office furnishings, office equipment and supplies in use by the existing office of legislative budget analysis shall be transferred to the office created by the provisions of this act and such director and staff shall be the director and staff of the office created by the provisions of this act.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 1446**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....95  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1381** -- Telecommunications - Requires evaluation every year rather than biennially of Telecommunications Deregulation Act. Amends TCA Title 65, Chapters 4, 5 and 29. by \*Head, \*Rhinehart, \*Curtiss, \*Lewis. (\*SB1359 by \*Cooper, \*Davis L, \*Elsea, \*Rochelle)

Rep. Rhinehart moved that House Bill No. 1381 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1381 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 65-29-103(4), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(4) "Telephone service" means any communication service whereby communication through the electric or electronic transmission of impulses by or through any media such as wireless technology, wires, cables, microwaves, radio waves, light waves or any combination of such media or any other future transmission technology which may become available to improve communication services, is the principal intended use thereof, and includes all telephone lines, facilities or systems used in the rendition of such service.

SECTION 2. Tennessee Code Annotated, Section 65-29-122, is amended by adding the following language at the end of the section:

A cooperative may secure any of its indebtedness through:

- (1) The Rural Telephone Finance Corporation;
- (2) Any savings and loan association, or savings bank (collectively referred to as savings institutions), or any bank chartered by the state of Tennessee;
- (3) Any national bank or federal savings institution that has its main office located in this state; or

(4) Any national or state bank, or any federal or state savings institution that has its main office located outside this state and that maintains one (1) or more branches in this state which are authorized to accept federally insured deposits. For the purposes of this section, an automated teller machine or such other similar type receptacle or device shall not be considered a branch.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 1381**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 69** -- Board of Regents - Strongly encourages board of regents to revise policies concerning disciplinary actions against tenured employees. by \*Cooper B, \*Brooks, \*Pinion, \*Towns, \*Jones U (Shelby), \*DeBerry L, \*Bowers.

Rep. Cooper moved that House Joint Resolution No. 69 be adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 69 by deleting the word "Concerns" at the beginning of the third paragraph of the preamble of the printed resolution and by substituting the words "Possible concerns".

AND FURTHER AMEND by deleting the first resolving clause and substituting the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Tennessee board of regents of the state university and community college system is encouraged to review and, if necessary, promulgate policies pertaining to disciplinary actions against tenured employees.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Cooper moved that **House Joint Resolution No. 69**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Walley -- 1.

A motion to reconsider was tabled.

**House Bill No. 860** -- Driver Licenses - Authorizes payment plan for court fines and costs for traffic offenses. Amends TCA Section 55-50-502. by \*Turner (Shelby), \*Cooper B, \*Brooks, \*Towns, \*Chumney, \*Pruitt, \*Bowers, \*Brown, \*DeBerry L, \*Miller L, \*DeBerry J, \*Robinson, \*Kernell, \*Pleasant. (\*SB677 by \*Dixon, \*Kyle, \*Harper)

On motion, House Bill No. 860 was made to conform with **Senate Bill No. 677**; the Senate Bill was substituted for the House Bill.

Rep. Turner (Shelby) moved that **Senate Bill No. 677** be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Kisber moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 677 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Any county which participates in the payment plan authorized by the provisions of this act shall pay to the state any expense required to be paid for state implementation of this act. Such payment shall be divided pro rata among the counties to which this act applies. Such payment shall be made prior to the implementation by the county of the provisions of this act.

On motion, Amendment No. 2 was adopted.

Rep. Turner (Shelby) moved that **Senate Bill No. 677**, as amended, be passed on third and final consideration.

Rep. U. Jones moved the previous question, which motion was immediately withdrawn.

Rep. L. DeBerry requested that Senate Bill No. 677 be moved down 5 places on the Calendar.

**House Bill No. 947** -- Judgments - Exempts Families First benefits from execution, seizure or attachment. Amends TCA Section 26-2-111. by \*Brooks, \*Cooper B, \*Jones, S., \*Brown, \*Pruitt, \*DeBerry L, \*Miller L. (\*SB462 by \*Harper, \*Dixon)

On motion, House Bill No. 947 was made to conform with **Senate Bill No. 462**; the Senate Bill was substituted for the House Bill.

Rep. Brooks moved that **Senate Bill No. 462** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	1
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eccles, Ferguson, Fowlkes, Fraley, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Westmoreland -- 1.

Representatives present and not voting were: Ford, Patton -- 2.

A motion to reconsider was tabled.

**House Bill No. 949** -- Drugs - Repeals requirement that health care providers report to public school officials drug overdoses by students in grades K-12. Amends TCA Section 68-24-301. by \*Brooks, \*Caldwell, \*Westmoreland, \*Pruitt, \*Cooper B, \*Jones, S., \*Brown, \*DeBerry L, \*Bowers, \*Miller L. (\*SB846 by \*Williams)

Rep. Brooks moved that House Bill No. 949 be passed on third and final consideration.

Rep. Westmoreland moved the previous question, which motion prevailed by the following vote:

Ayes .....	63
Noes .....	24
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Langster, Maddox, McCord, McDonald, McKee, McMillan, Miller, Mumpower, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Robinson, Scroggs, Stulce, Tindell, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham -- 63.

Representatives voting no were: Baird, Beavers, Bunch, Chumney, Dunn, Fraley, Godsey, Goins, Jackson, Kerr, McAfee, Montgomery, Odom, Patton, Phillips, Ridgeway, Sands, Sargent, Sharp, Tidwell, Todd, Turner (Shelby), White, Wood -- 24.

Representatives present and not voting were: Black, Kernell -- 2.

Rep. Brooks moved that **House Bill No. 949** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	51
Noes .....	41
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Cole (Carter), Cooper, Curtiss, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Fitzhugh, Fowlkes, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Langster, Maddox, McCord, McDaniel, McMillan, Miller, Mumpower, Phelan, Pinion, Pruitt, Robinson, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Westmoreland, Whitson, Williams, Windle -- 51.

Representatives voting no were: Baird, Beavers, Black, Bunch, Chumney, Cole (Dyer), Davidson, Ferguson, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Kerr, Lewis, McAfee, McDonald, McKee, Montgomery, Newton, Odom, Patton, Phillips, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sharp, Todd, Turner (Hamilton), Walker, Walley, West, White, Winningham, Wood, Mr. Speaker Naifeh -- 41.

**WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY**

Representatives present and not voting were: Ford -- 1.

A motion to reconsider was tabled.

**House Bill No. 557** -- Custody and Support - Grants rights to non-custodial, biological parent, upon petitioning court, to be notified relative to any medical and/or psychological treatment of child. Amends TCA Title 36, Chapter 6, Part 1. by \*Windle, \*Bowers. (\*SB14 by \*Davis L)

Rep. Windle moved that House Bill No. 557 be reset for the Regular Calendar on May 5, 1999, which motion prevailed.

**House Bill No. 1552** -- Sentencing - Requires, instead of allows, court to permit members of victim's family to testify at sentencing hearings in first degree murder cases. Amends TCA Title 39, Chapter 13. by \*McMillan. (\*SB1478 by \*Burks, \*Kurita, \*McNally)

Rep. McMillan moved that **House Bill No. 1552** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....98  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 297** -- Safety - Requires fire drills three times a year rather than twice a month in buildings occupied by educational institutions. Amends TCA Section 68-102-137. by \*Maddox. (SB1437 by \*Herron)

Rep. Maddox moved that House Bill No. 297 be reset for the Regular Calendar on May 3, 1999, which motion prevailed.



**\*House Bill No. 321** -- Education - Requires seven safety drills per school term rather than two; specifies that at least four drills shall involve evacuation of entire building. Amends TCA Section 49-5-201. by \*Maddox. (SB1438 by \*Herron)

Rep. Maddox moved that House Bill No. 321 be reset for the Regular Calendar on May 3, 1999, which motion prevailed.

**\*Senate Bill No. 677** -- Driver Licenses - Authorizes payment plan for court fines and costs for traffic offenses. Amends TCA Section 55-50-502. by \*Dixon, \*Kyle, \*Harper. (HB860 by \*Turner (Shelby), \*Cooper B, \*Brooks, \*Towns, \*Chumney, \*Pruitt, \*Bowers, \*Brown, \*DeBerry L, \*Miller L, \*DeBerry J, \*Robinson, \*Kernell, \*Pleasant)

Further consideration of Senate Bill No. 677 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 2.

Rep. Turner (Shelby) moved that **Senate Bill No. 677**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 883** -- Education - Provides for distribution of commissioner of education's annual report on schools to local public libraries. Amends TCA Title 49. by \*Hagood. (\*SB775 by \*Haun)

Rep. Hagood moved that **House Bill No. 883** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....97  
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 645** -- Boards and Commissions - Requires boards and commissions attached to division of health related boards and to division of regulatory boards to suspend or revoke license of any person under their jurisdiction who has defaulted on state or federal student loan. Amends TCA Title 56, Title 62 and Title 63. by \*Patton, \*Caldwell, \*Mumpower, \*Davis (Washington), \*Ford S, \*Tidwell, \*Maddox, \*Montgomery. (SB1216 by \*Fowler)

Rep. Patton moved that House Bill No. 645 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 645 by adding a new subsection (d), as follows, at the end of the amendatory language in Sections 1 and 2 of the printed bill:

(d) If the borrower has made satisfactory arrangements according to the lender or agency holding the defaulted loan, which may include administrative wage garnishment, voluntary payment arrangements, or deferment/forbearance, the license shall not be suspended or revoked.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Patton moved that House Bill No. 645 be reset for the Regular Calendar on May 5, 1999, which motion prevailed.

**\*House Bill No. 320** -- TennCare - Requires that application for TennCare include place of residence as well as address. Amends TCA Section 71-5-110. by \*Patton, \*Caldwell, \*Ford S, \*Curtiss, \*Tidwell, \*Fitzhugh, \*Davis (Washington), \*Harwell, \*Beavers, \*Dunn, \*Cole (Carter), \*Kent, \*Jackson, \*Godsey, \*Mumpower, \*Odom, \*Montgomery, \*Buttry, \*McKee, \*Hood, \*McDaniel, \*Hagood, \*Walker (Rhea). (SB364 by \*Haun, \*Herron)

Rep. Patton moved that House Bill No. 320 be reset for the Regular Calendar on April 29, 1999, which motion prevailed.

**\*House Bill No. 142** -- Motor Vehicles - Increases from 200 to 250 feet distance required for clear view of vehicle parked on highway outside business or residential district. Amends TCA Title 55. by \*Bowers, \*Odom. (SB786 by \*Haun)

Rep. Bowers moved that House Bill No. 142 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 142 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 25, Part 1, is amended by adding the following as a new appropriately designated section:

55-25-1\_\_\_\_. Notwithstanding §55-25-107 or any other provision of law to the contrary, driver license photographs or photo identification license photographs shall not be disclosed or made available for sale to any corporation, other business entity or its agents, employees or contractors.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall cease to be effective on June 30, 2000.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Bowers moved that **House Bill No. 142**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....98  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 226** -- Landlord and Tenant - Requires owner of commercial or industrial real property to disclose to lessee extent to which property is in compliance with the local or state fire, plumbing and electrical codes; lessee's remedies for misrepresentation are actual damages suffered as a result of defects or termination of lease. by \*Bowers. (SB276 by \*Dixon)

Rep. Bowers moved that House Bill No. 226 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 226 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. At the request of a prospective tenant, the owner of commercial or industrial real property where the commercial property space is fifteen hundred square feet (1500 sq. ft.) or less, and the industrial real property is five thousand square feet (5,000 sq. ft.) or less, shall furnish to such prospective tenant a signed disclosure statement detailing the extent to which such real property is understood by the owner to be in compliance with local and state fire, plumbing, and electrical codes for a building of the type under construction. If, at the time such disclosure is made, an item of information required to be disclosed is unknown or not available to the owner, the owner may state that such information is unknown.

SECTION 2. If the owner misrepresents information required to be disclosed by this act, the lessee's remedies, at the option of the lessee, for such misrepresentation on the disclosure statement shall be either:

(1) An action for actual damages suffered as a result of known defects existing in the property as of the date of execution of the lease. Any action brought under this subdivision shall be commenced within one (1) year from the date the lessee received the disclosure statement or the date of occupancy, whichever occurs first; or

(2) Termination of the lease.

SECTION 3. Nothing in this act shall affect other remedies at law or equity otherwise available against an owner in the event of an owner's intentional or willful misrepresentation of the condition of the subject property.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Scroggs requested that House Bill No. 226 be moved to the heel of the Calendar, without objection.

**House Bill No. 565** -- Medical Occupations - Establishes council of licensed midwifery, with procedures and duties; defines licensure requirements and roles of certified nurse midwives and licensed midwives. Amends TCA Title 63 and Section 4-29-221. by \*Bowers, \*DeBerry J, \*DeBerry L, \*Buck. (\*SB593 by \*Ford J, \*Springer, \*Dixon, \*Harper)

Rep. Bowers moved that House Bill No. 565 be passed on third and final consideration.

Rep. Kernell requested that Government Operations Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Pruitt moved adoption of Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 as follows:

### **Amendment No. 2**

AMEND House Bill No. 565 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding Sections 2 through 17 as a new chapter to be appropriately designated.

SECTION 2. The general assembly recognizes the need for a person to have the freedom to choose the manner, cost, and setting for giving birth. The general assembly finds that access to prenatal care and delivery services is limited by the inadequate number of providers of such services and that the practice of midwifery may help to reduce this shortage. The general assembly also recognizes the need for the safe and effective delivery of newborn babies and the health, safety, and welfare of their mothers in the delivery process. The general assembly, in interest of public health, promotes the regulation of the practice of midwifery in this state for the purpose of protecting the health and welfare of women and infants. The general assembly recognizes that midwifery is a profession in its own right and that it is not the practice of medicine.

SECTION 3. As used in this act, unless the context requires otherwise:

(1) "Antepartal" means occurring during pregnancy.

(2) "Board" means the Board of Osteopathic Examiners to the department of health to whom the council of Certified Professional Midwifery reports.

(3) "Consultation" means exchange of information and advice regarding the client condition and indicated treatment with a physician.

(4) "Council" means the council of certified professional midwifery.

(5) "Certified Professional Midwife (CPM)" means a person who has obtained national certification from the North American Registry of Midwives.

(6) "Department" means the department of health.

(7) "Intrapartal" means occurring during the process of giving birth.

(8) "CPM-TN" means certified professional midwife in Tennessee. An "CPM-TN" must be certified to practice midwifery by the North American Registry of Midwives.

(9) "Midwife" means a person who is trained to give the necessary care and advice to women during pregnancy, labor, and the post-birth period, to conduct normal deliveries on his or her own responsibility and to care for the newly born infant. The midwife is able to recognize the warning signs of abnormal conditions requiring referral to and/or collaboration with a physician.

(10) "Midwifery" means the practice of attending low-risk women during pregnancy, labor and the post-birth period with the informed consent of the mother. The scope of midwifery shall include comprehensive care of the pregnant woman during the antepartal phase, intrapartal phase, and postpartal phase, care of the newborn up to six (6) weeks after birth, and application of emergency care when necessary.

(11) "NARM" means the North American Registry of Midwives.

(12) "Physician" means a person who is duly licensed in the state of Tennessee to practice medicine by the state board of medical examiners or to practice osteopathy by the state board of osteopathic examiners.

(13) "Postpartal" means occurring subsequent to birth, and up to six (6) weeks after birth.

#### SECTION 4.

(a) There is hereby established a council of certified professional midwifery, which shall serve as a subcommittee of and report to the board of osteopathic examination.

The council members shall be appointed by the commissioner of health. The council shall consist of nine (9) members.

(b) Members shall be residents of Tennessee.

(c) Members shall consist of four (4) certified professional midwives, one (1) consumer, one (1) certified nurse midwife, one (1) obstetrician, one (1) family physician and one (1) pediatrician. At least one (1) of the obstetrician, pediatrician or family physician members shall be a doctor of osteopathy.

(d) Members of the council shall serve without pay. Members shall be entitled to reimbursement for per diem and travel expenses.

SECTION 5. The terms of office of the members of the council shall be staggered four (4) year terms. In making the initial appointments, the commissioner shall appoint four (4) members to four (4) year terms, three (3) members to three (3) years and two (2) members to two (2) year terms. All subsequent terms shall be for a period of four (4) years. No member shall be appointed for more than two (2) consecutive terms.

SECTION 6. When a council member is absent from three (3) consecutive meetings without excuse, that member shall be removed from office and a new member shall be appointed by the commissioner of health. An absence shall be deemed excused if caused by a health problem or condition verified in writing by a physician, or by an accident or similar unforeseeable tragedy or event prior to or at the time of the next council meeting.

SECTION 7.

(1) The council members shall elect annually from their membership a chairperson and vice chairperson.

(2) A quorum shall consist of two-thirds (2/3) of the members.

(3) No final action shall be taken on any matter without a quorum and majority vote of the members present.

(4) The council shall meet at least every six (6) months.

(5) Emergency meetings may be called by the chairperson with written notice to all members.

(6) Public notice shall be given for all meetings.

(7) All meetings are open to the public.

(8) All records are available to the public. Persons wishing to obtain copies of such records may request the same in writing from the council.

SECTION 8.

The council shall:

(1) Assist and advise the board and the department in developing rules with guidance from the Midwives Alliance of North America's Core Competencies and not inconsistent with the law. The rules shall include but not be limited to, the allowable scope of midwifery practice regarding use of equipment, procedures, and administration of medication as prescribed by a physician.

(2) Make recommendations to the board and the department regarding:

(A) Certified professional midwifery;

(B) Applications and renewals;

(C) Development of forms for reporting and receiving certified professional midwifery forms as set forth herein.

(D) Up-to-date files on all active CPM-TN in Tennessee including emergency plan guidelines.

(E) Compilation of annual statistics on CPM-TN deliveries.

(3) Educate the public and other providers of obstetrical care about the role of the CPM-TN.

#### SECTION 9.

(a) A midwife who has met the standards set forth herein may apply to the board for Tennessee certification. An application for Tennessee certification shall provide information as required herein and as may be required by the board. Except for the American College of Nurse Midwives certified midwives and certified nurse midwives, a certificate under this act is required to practice midwifery for monetary compensation in which service has been offered for a fee. A certificate under this act is not required for certified nurse midwives who maintain their licensure as registered nurses pursuant to Tennessee Code Annotated, Title 63, Chapter 7.

(b) In order to receive certification as a certified professional midwife (CPM-TN), an applicant shall:

(1) Obtain certification from NARM and currently hold the title of certified professional midwife (CPM).

(2) Read, understand, and agree to practice under the guidelines set forth herein this act and any rules promulgated pursuant to this act; and

(3) Have proof of current CPR certification including infant or neonatal resuscitation.

#### SECTION 10.

(1) A midwife who is certified under this standard may use the initials "CPM-TN".

(2) An initial certificate is available for a three (3) year period.



(3) The certificate is renewable every two (2) years after the initial three (3) year period.

(4) Renewal is available to the certified professional midwife (CPM) who maintains current certification from NARM by complying with the continuing education requirement applicable to the certified professional midwife (CPM).

(5) Renewal is available to the certified professional midwife (CPM-TN) whose certification from NARM remains in good standing and who has current CPR certification.

(6) The board may deny an application for certification only if the applicant is not in compliance with the standards herein.

(7) An CPM-TN may receive third party payment from private agencies that provide coverage for maternity and obstetrical care.

SECTION 11. Any certified professional midwife who is not practicing midwifery in Tennessee may be placed in inactive status by requesting such status in writing and submitting it to the council. Active status may be renewable by requesting a change of status from inactive to active in writing to the council and by fulfilling the requirements for renewal set forth herein.

SECTION 12. Any certified professional midwife who does not seek inactive status and allows the certificate to expire after a sixty (60) day grace period must apply for a new certificate as prescribed herein.

#### SECTION 13.

(1) The application fee is to be set by the commissioner of health and shall not be less than that sum necessary to permit the council to recover its costs of operation.

(2) The renewal fee is to be set by the commissioner of health and shall not be less than that sum necessary to permit the council to recover its costs of operation.

SECTION 14. The certificate shall be displayed at all times in a conspicuous place where the CPM-TN is practicing, when applicable.

#### SECTION 15.

(a)(1) A CPM-TN may have his or her license revoked or suspended for any of the grounds set forth in subdivision (2) , or for failing to follow the standards set forth herein. Such action may occur only after investigations by the department of health. Any action on the certification shall be made by the Council, subject to approval by the board.

(2) The board has the power to deny, revoke or suspend any certificate or to otherwise discipline a certificate holder upon proof that the person:

(A) Is guilty of fraud or deceit in procuring or attempting to procure a certificate to practice midwifery;

(B) Is guilty of a crime;

(C) Is unfit or incompetent by reason of negligence, habits or other cause;

(D) Is addicted to alcohol or drugs to the degree of interfering with midwifery duties;

(E) Is mentally incompetent;

(F) Is guilty of unprofessional conduct; or

(G) Has violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto.

(b) If the council decides to consider discipline of a certificate holder, the same organization shall notify the certified professional midwife in writing of the reasons for such consideration. The notice shall set forth the time, place, and date of the meeting at which the council shall take action. Such meeting shall not be set less than thirty (30) days from the mailing of the notice.

(c) Should the certified professional midwife desire a hearing by the council, he or she shall notify the chairperson of the council in writing within fifteen (15) days after receipt of notice. The council shall then set a hearing no less than fifteen (15) days and no more than forty-five (45) days and notify the certified professional midwife in writing of findings and grounds for the decision. Said decision shall take effect immediately upon being reduced to writing and signed by the chairperson of the council.

(d) All notification required by this section shall be in writing and shall be sent by certified, return receipt requested mail or by personal delivery.

(e) The following procedure shall govern the conduct of appeals hearings before the council:

(1) The appellant shall have the right, but not be required to be represented by counsel.

(2) The council shall arrange for a notary public or other officer empowered to administer oaths to be in attendance at every hearing, and all evidence offered shall be under oath.

(3) All proceedings of all hearings before the council shall be recorded.

SECTION 16.

(1) The CPM-TN may provide care for the low-risk client who is expected to have a normal pregnancy, labor, birth and postpartal phase in the setting of her choice. The CPM-TN shall form a collaborative care plan with a physician for all clients.

(2) The CPM-TN shall ensure that the client has signed an informed consent form. This form shall include information to inform the client of the qualifications of the CPM-TN.

(3) The CPM-TN may order routine antepartal laboratory analysis to be performed by a licensed laboratory.

(4) The CPM-TN shall develop an emergency plan that shall be signed by the client and placed in the client chart at the initial visit. The emergency plan shall include documentation of the initial consultation with the physician previously referenced in Section 16(1) as stated above. The documentation shall also include referral and transfer plans for the patient in the event of an emergency. A copy of the plan shall be sent to the named physicians.

(5) The CPM-TN shall determine the progress of labor and, when birth is imminent, shall be available until delivery is accomplished.

(6) The CPM-TN shall remain with the postpartal mother during the postpartal period until the conditions of the mother and newborn are stabilized.

(7) The CPM-TN shall instruct the parents regarding the requirements of Section 68-5-202.

(8) The CPM-TN shall instruct the parents regarding the requirement of Section 68-5-401.

(9) The CPM-TN shall maintain a birth certificate for each birth in accordance with the requirements of Title 68. A copy of the birth certificate shall be filed with the department of health.

(10) The CPM-TN shall practice in compliance with the rules and regulations promulgated pursuant to this act.

SECTION 17. The board and department, with assistance and advice from the council, are authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 18. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new item to be appropriately designated:

(\_) council of certified professional midwifery, created by Section 4 of this act.

SECTION 19. This act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Bowers moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 565 By deleting the language "up to six (6) weeks after birth," from Section 3, subdivision (10), as amended.

On motion, Amendment No. 3 was adopted.

Rep. Bowers moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 565 By deleting subdivision (7) of Section 10 in its entirety and by substituting instead the following:

(7) An LM may receive third party payment from private agencies that provide coverage for maternity, obstetrical, and gynecological care. No managed care organization or insurance company shall require a patient to be served by a CPM-TN instead of a medical doctor or a nurse practitioner.

On motion, Amendment No. 4 was adopted.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Bowers moved that House Bill No. 565, as amended, be passed on third and final consideration.

Rep. Turner (Hamilton) moved the previous question, which motion failed by the following vote:

WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY

Ayes .....42  
Noes .....43

Representatives voting aye were: Armstrong, Beavers, Bowers, Boyer, Brooks, Buck, Cole (Dyer), Curtiss, DeBerry L., Ferguson, Givens, Gunnels, Hargett, Harwell, Hood, Jones U., Kernell, Langster, McAfee, McCord, McDaniel, McKee, Miller, Mumpower, Patton, Phelan, Pinion, Rinks, Roach, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Westmoreland, Windle, Winningham, Wood -- 42.

Representatives voting no were: Arriola, Baird, Bittle, Black, Bone, Briley, Brown, Bunch, Buttry, Caldwell, Cole (Carter), Cooper, Davidson, Davis (Washington), Dunn, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Goins, Hagood, Hargrove, Hassell, Jackson, Kent, Kerr, Kisber, Maddox, McDonald, McMillan, Montgomery, Odom, Phillips, Pleasant, Rhinehart, Robinson, Sands, Sargent, Towns, Walley, West, White -- 43.

Rep. Bowers moved that House Bill No. 565, as amended, be passed on third and final consideration.

After further debate, Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Bowers moved that **House Bill No. 565**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes .....30  
Noes .....58  
Present and not voting .....2

Representatives voting aye were: Armstrong, Bowers, Brooks, Brown, Buck, Cooper, DeBerry J., DeBerry L., Dunn, Ferguson, Fowlkes, Godsey, Harwell, Jones U., Kernell, Langster, McAfee, McDaniel, McKee, Miller, Mumpower, Odom, Phelan, Rinks, Turner (Hamilton), Turner (Shelby), Walley, White, Wood, Mr. Speaker Naifeh -- 30.

Representatives voting no were: Arriola, Baird, Beavers, Bittle, Black, Bone, Briley, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), Fitzhugh, Ford, Fraley, Givens, Goins, Gunnels, Hagood, Hargett, Hassell, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Lewis, Maddox, McCord, McDonald, McMillan, Montgomery, Newton, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Walker, West, Westmoreland, Whitson, Windle, Winningham -- 58.

Representatives present and not voting were: Chumney, Patton -- 2.

Having received a constitutional majority in the negative, pursuant to **Rule No. 63**, the Speaker entertained a motion to reject. Hearing none, the Speaker, pursuant to the Rules of the House referred House Bill No. 565 to the House Committee on Calendar and Rules.

**\*House Bill No. 1882** -- Tort Liability - Limits tort liability of directors and officers of IRC 501(c)(7) nonprofit organizations. Amends TCA Section 48-58-601. by \*Godsey. (SB1828 by \*Ramsey)

Rep. Godsey moved that House Bill No. 1882 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1882 By deleting the semicolon at the end of the amendatory language of Section 1 of the printed bill and by substituting instead the following:

, but only if general liability insurance in a reasonable amount is carried by or on behalf of any such club;

AND FURTHER AMEND by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 48-58-601(c), is amended in the first sentence by inserting the word and punctuation "clubs," after the word and punctuation "corporations," wherever it may be found.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Godsey moved that **House Bill No. 1882**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	1
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Golins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Brooks -- 1.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

**House Bill No. 1470** -- Consumer Protection - Makes unsolicited loans that resemble checks violation of Consumer Protection Act, unless document contains conspicuous notice that it is loan and not check. Amends TCA Title 47, Chapter 18. by \*Fitzhugh. (\*SB1250 by \*Herron)

Rep. Fitzhugh moved that House Bill No. 1470 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1470 by deleting the language and punctuation "This is not a check." in Section 2, after the language and punctuation "the following:" and before the language and punctuation "This is a loan."

AND FURTHER AMEND by deleting the statutory reference "57-18-101" in Section 4 of the bill and by substituting instead "47-18-101".

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

Rep. Fitzhugh moved that **House Bill No. 1470**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 226** -- Landlord and Tenant - Requires owner of commercial or industrial real property to disclose to lessee extent to which property is in compliance with the local or state fire, plumbing and electrical codes; lessee's remedies for misrepresentation are actual damages suffered as a result of defects or termination of lease. by \*Bowers. (SB276 by \*Dixon)

Further consideration of House Bill No. 226 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment No. 1.

Rep. Bowers moved that House Bill No. 226 be passed on third and final consideration.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Scroggs moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 226 by inserting in Section 2 the word "knowingly" between the words "If the owner" and the words "misrepresents information".

On motion, Amendment No. 2 was adopted.

Rep. Bowers moved that **House Bill No. 226**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes .....	16
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J., DeBerry L., Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Gunnels, Hagood, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Montgomery, Odom, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Whitson, Williams, Windle, Wood -- 72.

Representatives voting no were: Baird, Beavers, Bunch, Davis (Washington), Godsey, Goins, Hargett, Harwell, McCord, McKee, Mumpower, Phillips, Pleasant, West, Westmoreland, White -- 16.

Representatives present and not voting were: Dunn, Patton -- 2.

A motion to reconsider was tabled.



**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Tidwell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 216 out of order, which motion prevailed.

**Senate Joint Resolution No. 216** -- Memorials, Recognition - Collinwood High School, 50th anniversary. by \*Wilder.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Tidwell, the resolution was concurred in.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Kent moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 66 out of order, which motion prevailed.

**Senate Joint Resolution No. 66** -- Naming and Designating - "Police Memorial Day," May 15, 1999; "Police Memorial Week," May 9-15, 1999. by \*Burks, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Kent, the resolution was concurred in.

A motion to reconsider was tabled.

**BILL RECALL REQUESTED**

Rep. McDonald moved to recall **Senate Bill No. 1455** from the Senate, which motion prevailed.

**BILLS WITHDRAWN**

On motion of Rep. McCord, **House Bill No. 1118** was recalled from the Conservation and Environment Committee and withdrawn from the House.

On motion of Rep. McKee, **House Bill No. 1214** was recalled from the Conservation and Environment Committee and withdrawn from the House.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 29, 1999:

**House Bill No. 26:** by Rep. Churney

**House Bill No. 195:** by Rep. Kisber

**Senate Bill No. 210:** by Rep. Ferguson

**House Bill No. 247:** by Rep. Stulce

**House Bill No. 659:** by Rep. Ferguson

**House Bill No. 1031:** by Rep. U. Jones

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 495:** Rep(s). Walker as prime sponsor(s).

**House Bill No. 1704:** Rep(s). Fitzhugh as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 442, 666, 698, 1105, 1501 and 1871; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 43, 176, 258, 287, 514, 631, 754, 793, 933, 957, 979, 1162, 1455, 1574, 1628 and 1938; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 40, 67, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192 and 227; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**

**April 28, 1999**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 40, 67, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192 and 227.

**MESSAGE FROM THE GOVERNOR**

**April 28, 1999**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 21, 59 and 89; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 28, 1999**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 442, 666, 698, 1105, 1501 and 1871.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 28, 1999**

The Speaker signed the following: Senate Bill(s) No(s). 43, 176, 258, 287, 514, 631, 754, 793, 933, 957, 979, 1162, 1455, 1574, 1628 and 1938.

**WEDNESDAY, APRIL 28, 1999 -- TWENTY-THIRD LEGISLATIVE DAY**

**ENGROSSED BILLS**

**April 28, 1999**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s) 172, 188, 189, 190, 194, 195 and 196.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 28, 1999**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 810.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 364; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 364** -- TennCare - Requires that application for TennCare include place of residence as well as address. Amends TCA Section 71-5-110. by \*Haun, \*Herron, \*Williams, \*Crowe. (\*HB320 by \*Patton, \*Caldwell, \*Ford S, \*Curtiss, \*Tidwell, \*Fitzhugh, \*Davis (Washington), \*Harwell, \*Beavers, \*Dunn, \*Cole (Carter), \*Kent, \*Jackson, \*Godsey, \*Mumpower, \*Odom, \*Montgomery, \*Buttry, \*McKee, \*Hood, \*McDaniel, \*Hagood, \*Walker (Rhea), \*Baird, \*Todd, \*Maddox, \*Goins, \*Bunch, \*Newton, \*Hargett, \*Kerr, \*Pleasant, \*Stulce, \*Turner (Hamilton), \*Wood)

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 436; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 508; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 28, 1999**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 260.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 50, 80 and 92; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 858 and 1495; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 28, 1999**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 142, 226, 675, 883, 949, 1381, 1446, 1470, 1552, 1882, also, House Joint Resolution(s) No(s) 69.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 117; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 117** -- Memorials, Congress - Urges enactment of legislation to prohibit recoupment of state tobacco settlement funds by federal government and to ensure complete state autonomy over allocation and expenditure of such funds; expresses sense of general assembly that such funds should be paid to states without limitation. by \*McNally, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L., \*Dixon, \*Elsea, \*Ford J., \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J., \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**MESSAGE FROM THE SENATE**

**April 28, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 66 and 216; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**

**April 28, 1999**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 66 and 216.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**RECESS MOTION**

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m. on Thursday, April 29, 1999.